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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the provisional application of:

Thomas M. Coon et al.
Serial No: 10/730,841
Filed: December 5, 2003
For: FEMORAL IMPACTOR AND EXTRACTOR

Exr. James L. Swiger, III
Art Unit: 3733
Confirmation No.: 5210

Commissioner of Patents
and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

June 23, 2006

AMENDMENT

Sir:

In reply to the Office Action dated May 2, 2006, applicant elects to prosecute the claims of Group 1, namely, claims 1-6 and 15-19. This election is being made without traverse.

The Examiner has further indicated that the application contains claims directed to patentably distinct species, namely, Species A (Figs. 1-7) and Species B (8-9). The Examiner contends that no claims are generic to the two species and that an election must be made to a single disclosed species. The attorney for the applicant hereby elects Species A; however, this election is being made with traverse. It is respectfully submitted that claim 1 reads on both Species A (Figs. 1-7) and Species B (Figs. 8-9). The specification is clear at page 7, lines 7-11 that "The

"The impactor-extractor 60 is identical to the impactor-extractor 10 of the previous embodiment (the embodiment of Figs. (1-7) with the exception that it has a handle H' in which the proximal end is provided with a diagonally extending extension 64 with a pair of outwardly extending flanges 65 defining undercut slots for receiving a tool." Claims 6 and 7 are directed to the modified impactor-extractor 60 of Fig. 8. Claims 6 and 7 are dependent upon claim 3 which is dependent upon claim 1. Therefore, it is respectfully submitted that claim 1 is generic to both Species A and B. Accordingly, it is requested that the requirement for restriction between Species A and B be withdrawn.

Respectfully submitted,

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